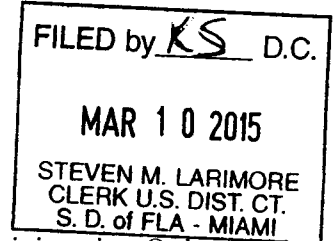


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2015-18

IN RE: JANE LETWIN

ORDER DENYING MOTION TO SET ASIDE
ADMINISTRATIVE ORDER 2010-117



This Court is in receipt of Jane Letwin’s Motion to Set Aside Administrative Order received on January 20, 2015. Letwin was suspended from practice in this Court by Administrative Order 2010-117. That Order was based upon a Report and Recommendation of the Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney Grievance. The matter was referred to the Committee by District Judge Patricia A. Seitz, who affirmed a Report and Recommendation by Magistrate Judge Chris M. McAliley, which detailed the “misconduct” of attorney Letwin while counsel for the plaintiffs in *Aldavero v. St. Louis*, No. 05-22098-CIV-SEITZ/McALILEY (S.D. Fla. 2007). Letwin requests that this Court reverse the order of suspension and restore her right to practice in this Court. In her motion, she argues that the judgment of suspension suffers from a lack of procedural due process and as a result, pursuant to Federal Rule of Civil Procedure 60(b)(5), “applying it prospectively is no longer equitable.” In support of this general argument, Letwin claims that she did not receive notice of the charges against her, that the suspension order is based upon conclusory allegations and “hearsay reports,” and that the Court erred in not following its own rules. For the reasons that follow, the Court finds that Letwin’s arguments lack merit.

Even if Rule 60(b)(5) applies to orders of suspension, there must be “subsequent legislation, a change in decisional law, or a change in operative facts” that make the order no longer equitable. *Flexiteek Americas, Inc. v. PlasTEAK, Inc.*, No. 08-60996, 2012 WL 5364263, at *5 (S.D. Fla. Sept. 10, 2012) (citation omitted); *see also Rufo v. Inmates of Suffolk County Jail*,

502 U.S. 367, 384 (1992) (A court may grant Rule 60(b)(5) relief in light of a “significant change either in factual conditions or in law.”). Letwin has provided no such support, relying instead on arguments aimed at the validity of the suspension order itself.

As for Letwin’s attacks on the suspension order, the misconduct that was the subject of the disciplinary proceedings, and the facts supporting the allegations to justify suspension pursuant to the disciplinary rules, are abundantly clear from the record. The 2007 Report and Recommendation by Judge McAliley and the 2009¹ and 2010 Report and Recommendations by the Committee explicitly, and by reference, detail Letwin’s unprofessional conduct as far back as 1995 and her actions in the *Aldavero* case. This evidence supports the Court’s determination of misconduct and its order of suspension based upon “its inherent power to maintain control over the proceedings conducted before it.” See *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (“[A] federal court has the power to control admission to its bar and to discipline attorneys who appear before it.”); see also *Fink v. Gomez*, 239 F.3d 989, 994 (9th Cir. 2001) (“[S]anctions are available if the court specifically finds bad faith or conduct tantamount to bad faith.”).

Given this background, and the Court being fully advised of the matter, it is

ORDERED that Letwin’s Motion to Set Aside Administrative Order is DENIED.

DONE and ORDERED at Miami, Miami-Dade County, Florida, this 9th day of March, 2015.

Kevin Michael Moore

Digitally signed by Kevin Michael Moore
DN: cn=Kevin Michael Moore, o=USDC, ou=FLSD,
email=K. Michael Moore@fld.uscourts.gov, c=US
Date: 2015.03.09 16:51:47 -0400

K. MICHAEL MOORE
CHIEF UNITED STATES DISTRICT JUDGE

c: Jane Letwin
Clinton Payne, Esq., Chair, Ad Hoc Committee on Attorney Admissions, Peer Review
and Attorney Grievance

¹ The Committee made note in its Report that Letwin did not dispute the facts set forth in its 2009 Report as to her actions in *Aldavero*.